

February 28, 2006



Planning Department Newsletter



HEARING EXAMINER RELEASES WAL-MART DECISION

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On February 24, city hearing examiner John Montgomery issued his decision on two appeals filed by the Pullman Alliance for Responsible Development regarding the establishment of a Wal-Mart supercenter at Bishop Boulevard in Pullman. In his written determination, Mr. Montgomery approved the application for the proposed store, subject to additional conditions related to traffic and archaeological resource issues (described in full below). The appeal of the city's Determination of Nonsignificance under the State Environmental Policy Act (SEPA) was denied given these additional conditions. The appeal of the city's site plan approval was granted to the extent that the supplementary conditions were imposed; otherwise, the site plan appeal was denied.

The additional conditions mandated by the hearing examiner are as follows:

1. A traffic signal must be installed at the intersection of Bishop Boulevard and Fairmount

Road prior to occupancy of the proposed Wal-Mart supercenter. The public works director shall determine the level of Wal-Mart's financial participation in the construction of this traffic signal.

2. A traffic signal and southbound right turn lane must be installed at the intersection of Bishop Boulevard and Professional Mall Boulevard prior to issuance of a permit for a future gasoline service station at the Wal-Mart site, unless a new traffic analysis prepared by Wal-Mart after the construction of the supercenter demonstrates to the public works director that traffic service levels are acceptable at this intersection. The public works director shall determine the level of Wal-Mart's financial participation in the construction of this traffic signal if it is to be installed.

3. In the event that human remains are disturbed during the construction of the Wal-Mart supercenter, given

the location of the subject property relative to the Pullman Cemetery, Wal-Mart shall cease construction at the site pending a governmental determination on an appropriate course of action.

Some of the conclusions drawn by Mr. Montgomery in reaching his decision were as follows:

- a property owner has the right to make reasonable use of their land when such use does not violate applicable laws

- the laws of other jurisdictions in which Wal-Mart does business vary significantly from pertinent laws in the city of Pullman; unless a specific condition is authorized by law, it cannot be required of Wal-Mart simply because the company has done so in the past, it was required by another jurisdiction, or it is considered to be a good idea

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**Your comments,
questions and
suggestions are always
welcome.**

HEARING EXAMINER RELEASES WAL-MART DECISION (Continued)

- the traffic impact analysis prepared by Wal-Mart identifies the Bishop Boulevard/Fairmount Road and Bishop Boulevard/Professional Mall Boulevard intersections as likely to experience unacceptable traffic service levels, thereby justifying the imposition of the additional conditions

- the city has chosen to assign a C3 General Commercial zoning classification to both the Wal-Mart site and the cemetery and these land uses have the absolute right to co-exist under the laws of the city, particularly when the impacts of both upon the other have been reasonably mitigated; Wal-Mart might well seek further mitigation of the impacts of its proposed business operation on the adjacent cemetery, but nothing under the law may compel it to do so

- economic impact is not, in and of itself, an element of the environment under SEPA; no credible evidence exists to suggest that urban blight would result from approval of the proposed supercenter, and the mere suggestion of such does not establish significant environmental concern requiring preparation of a fiscal impact analysis

- although Wal-Mart may choose alternative exterior lighting for its proposed store in accordance with the advice provided during the public hearing, it cannot be compelled to do so; the exterior lighting plan for the proposed supercenter does not rise to the level of adversely affecting the environment within an urbanized

area, particularly when reasonable effort has been made by Wal-Mart to reduce fugitive light

- as mitigated, the Wal-Mart proposal does not result in a significant environmental impact requiring the preparation of an Environmental Impact Statement

- with the conditions applied to the Wal-Mart proposal, the site plan approved by the public works director complies with the city's standards, including generally its Comprehensive Plan

The decision of the hearing examiner is final unless a party with standing files an appeal in Whitman County Superior Court within 21 days of the issuance of the decision. The deadline for this appeal is March 20, 2006.



The intersections where Fairmount Road and Professional Mall Boulevard meet Bishop Boulevard are cited as being potentially deficient in the hearing examiner's decision

Home Business Regulations

Would you like to start a landscaping company and run the business out of your residence? Are you interested in teaching piano and holding the lessons in your house? Would you like to start a small daycare in the basement? The planning department is frequently contacted by residents with questions related to these and other home occupations.

The Pullman zoning code includes a home occupation chapter, Chapter 17.55, and the planning department administers the regulations. The general purpose of these regulations is to allow Pullman residents to use their homes as a place of financial livelihood, while protecting residential areas from any adverse impacts that may be associated with home occupations.

Some things to consider when starting a home occupation include:

- ✓A home occupation is an accessory use of a residence involving the manufacture, provision, or sale of goods and/or services carried on by members of the family residing on the premises plus no more than one nonresident employee (home occupations exclude garage sales and home parties that involve the sale of goods, if the number of parties do not exceed six per calendar year).
- ✓Home occupations should generally not give an outward appearance of a business; there should be no outdoor storage, noise, odors, vibrations, etc. emanating from the premises.
- ✓The business should not create a significantly greater traffic volume and the parking associated with the home business should not create a safety hazard.
 - Commercial delivery and pick-up of materials should not generally exceed two trips per week.
 - When parking for more than four consecutive hours, only one commercial vehicle is permitted on the street near the residence.
 - One additional off-street parking stall will be required for home occupations that have two or more students or clients that are likely to concurrently visit the premises and use separate motor vehicles.
 - Traffic associated with customers shall be limited to a total of no more than four vehicles during any period of 60 consecutive minutes (the city planner may

approve up to six vehicles per hour after considering site layout and location).

- ✓A home occupation can only have one nonresident, on-site employee unless a conditional use permit is approved; one off-street parking stall would be required for the employee if their means of transportation to the site is a motor vehicle.
- ✓Home occupations that include classes shall have no more than four students on the premises at one time (the city planner may approve up to six students if it is found that no additional vehicular traffic will be generated); over six students may be permitted through an approved conditional use permit.
- ✓If customers visit the premises for the home occupation, no more than six clients are permitted on the premises during any period of 60 consecutive minutes and clients cannot visit the premises between 12:00 and 6:00 a.m.
- ✓One flush-mounted, non-illuminated sign that does not exceed two square feet in area is permitted (a sign permit would be required).

No permit or business license is required through the city to operate a home business. However, home occupations must comply with all applicable local, state and federal license requirements and regulations. If you have any additional questions regarding home occupations you can view zoning code Chapter 17.55, Home Occupations, in its entirety on the Pullman website www.pullman-wa.gov, or you may also contact planning staff with questions at 509.338.3213.



A home occupation is conducted within this house on Military Hill. As with this dwelling, home occupations should generally not display any outward appearance of a business.



Pending Land Use Applications

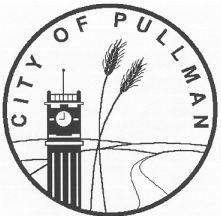
Displayed below are land use applications submitted to the planning or public works department or city-generated proposals for planning provisions that require a public meeting, public notice, or site plan review in accordance with the city code.

PROJECT	DESCRIPTION	LOCATION	STATUS
Historic Preservation Ordinance	allow special property tax valuation for historic sites	citywide	PC recommended approval on 1/25; CC meeting scheduled for 2/28
Comprehensive Plan and Zoning Code Amendment	create new mixed use zoning district	citywide	staff conducting research and soliciting public input
Fairbanks Annexation	annex 58 acres to city in R2 and C3 pre-zone districts	north of city limits and west of State Route 27 (Palouse Highway)	staff reviewing applicant's petition
Big Sky Subdivision Preliminary Plat	divide 7.3 acres into 30 lots in R2 district	west of Sunnyside Park and north of Old Wawawai Road	staff reviewing appeal from applicant regarding city wetland determination
Oak Street Zone Change (Z-05-3)	rezone 18,000 square feet from R2 to R4	400 and 420 NE Oak Street	PC recommended denial on 1/25; CC meeting scheduled for 2/28
Center Street Zone Change (Z-06-1)	rezone 7.8 acres from R1 to R2	west end of SW Center Street	PC hearing tentatively scheduled for 3/22
Willow Street Vacation	vacate 1,500-sq-ft portion of undeveloped Willow Street	near 760 SE South Street	PC meeting scheduled for 3/22
High Point Conditional Use Permit (C-06-2)	establish an assisted living facility	west end of SW Center Street	BOA hearing tentatively scheduled for 4/3
Beasley Apartments Conditional Use Permit (C-06-3)	construct apartment buildings with 9 or more units per structure in R2 district	200 block of NE Terre View Drive	BOA hearing tentatively scheduled for 4/3
High Point Sign Variance (V-06-1)	install an off-premise sign for an assisted living center	corner of SW Center Street and S. Grand Avenue	BOA hearing tentatively scheduled for 4/3
Appeal of Notice of Violation (A-05-4)	appeal of violation notice citing 3 dwellings on 6,500-sq-ft lot in R2 district	645 SE Taylor Street	BOA hearing continued to 4/3 to adopt resolution
Wal-Mart Supercenter SEPA determination and site plan	develop 223,000-sq-ft store on a 28-acre site	south of SE Harvest Dr/Bishop Boulevard intersection	hearing examiner decision issued 2/24; appeal period expires 3/20
Riverwalk Parking Lot Substantial Development Permit (No. 74)	construct 77-stall parking lot on 30,350-sq-ft parcel	southeast of 240 NE Kamiaken Street	staff reviewing application materials
Valley Road Apartments site plan (05-18)	develop 7 apartments on a 10,832-sq-ft lot	1245 NE Valley Road	staff reviewing site plan
North Campus Heights Apartments Expansion site plan (05-19)	develop 42 additional apartments	1540 NE Merman Drive	staff requested applicant to revise site plan
State Street Townhomes site plan (05-20)	construct 4 townhouses on a 14,800-square-foot parcel	540 SW State Street	staff reviewing site plan
Courtyard Heights Apartments site plan (05-24)	construct an 8-unit apartment house on 10,424-sq-ft lot with parking on nearby parcel	1020 NE B Street	staff reviewing revisions to site plan
River Trail Apartments site plan (05-25)	build a 30-unit apartment building above commercial space on a 30,197-sq-ft lot	1240 SE Latah Street	staff reviewing site plan
Cedar Pointe Condominiums site plan (05-29)	develop 9 condominiums on a 26,528-sq-ft parcel	2115 NE Westwood Drive	staff reviewing site plan
Isothermal Systems Research Addition site plan (06-1)	construct a 15,700-sq-ft addition to existing ISR building	1300 NE Henley Court	staff requested applicant to revise site plan

KEY TO ZONING DISTRICTS: R1 Single Family Residential; RT Residential Transitional; R2 Low Density Multi-Family Residential; R3 Medium Density Multi-Family Residential; R4 High Density Multi-Family Residential; C1 Neighborhood Commercial; C2 Central Business District; C3 General Commercial; I1 Light Industrial; I2 Heavy Industrial; IRP Industrial Research Park; WSU Washington State University

KEY TO ABBREVIATIONS: CC: City Council; PC: Planning Commission; BOA: Board of Adjustment; DOE: State Department of Ecology

NOTES: 1) If an applicant fails to act on a pending application for a period of six months, said application will be dropped from the above list. 2) Numbers in parentheses are planning staff's internal file numbers. 3) Site plan review by city staff is generally conducted for proposed construction of developments other than single family homes, duplexes, or manufactured homes; it does not apply to most construction on the WSU campus.



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